

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT SWEENEY, JOHN REITH, : CIVIL ACTION
in their fiduciary capacity :
as Trustees of Iron Workers :
District Council Health and :
Welfare and Pension Fund, :
et al. :
v. :
VICTOR ENTERPRISES, INC. : NO. 98-CV-2274

MEMORANDUM ORDER

J. M. KELLY, J.

AUGUST , 1998

Plaintiffs brought this case to recover contributions allegedly owed by the Defendant under the terms of a collective bargaining agreement. The President of the Defendant corporation signed and filed an answer to the complaint. This Court informed the Defendant that "a corporation cannot be represented by a person other than an attorney at law." See 28 U.S.C. § 1654; Simbray v. United States, 104 F.3d 566 (3d Cir. 1996).

The Court granted an extension of time, until July 23, 1998, so that Defendant could retain counsel. Defendant did not retain counsel. On July 29, 1998, I granted Plaintiff's Motion to Strike Defendant's Answer. Plaintiff now seeks entry of Judgment by Default.

AND NOW, this 26th day of August, 1998, as a result of the Defendants failure to properly answer the complaint, and the Defendant's failure to retain counsel, default is entered in favor of the Plaintiffs.

A hearing to assess damages is scheduled for September 25, 1998, at 9:30 a.m. in Courtroom 8A, United States Courthouse, 601 Market Street, Philadelphia, PA 19106. It is expected that counsel and all parties and/or witnesses necessary will be present at that time. This matter will have a direct financial impact on the Defendant. Once again, Defendant is informed that a corporation cannot be represented by a person other than an attorney at law.

BY THE COURT:

JAMES MCGIRR KELLY, J.